UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1999/764
8 July 1999

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS MISSION OF OBSERVERS IN PREVLAKA

I. INTRODUCTION

1. In pursuance of Security Council resolution 1222 (1999) of 15 January 1999, in which the Council authorized an extension, until 15 July 1999, of the mandate of the United Nations Mission of Observers in Prevlaka (UNMOP), a report was submitted on 9 April 1999 to the Council on the progress of bilateral negotiations between the Republic of Croatia and the Federal Republic of Yugoslavia to resolve the disputed issue of Prevlaka, as well as on possible ways to facilitate a negotiated settlement should the parties require such assistance (see S/1999/404). The present report covers developments since that date.

2. The Mission consists of 27 United Nations military observers (see annex) headed by a Chief Military Observer, Colonel Graeme Williams (New Zealand). During the period under review, UNMOP began to implement revised patrolling procedures with a view to streamlining its operations so as to allow a slight reduction in the number of military observers. Developments in the region have not allowed the Mission to further reduce the number of military observers, however. Once the situation in the region stabilizes, UNMOP will again evaluate how the request to reduce the number of military observers can be achieved, without prejudice to its operational activities.

3. In accordance with its mandate, UNMOP continues to monitor the demilitarization of the Prevlaka peninsula and of the neighbouring areas in Croatia and the Federal Republic of Yugoslavia by carrying out vehicle and foot patrols on both sides, except when prevented from doing so by restrictions of movement imposed by one party or the other. The Mission holds regular meetings with the local authorities in order to strengthen liaison, reduce tension, improve safety and security and promote confidence between the parties. The Chief Military Observer maintains contact with the authorities in Zagreb and Belgrade to address issues arising from the implementation of resolution 1222 (1999). Cooperation between UNMOP and the multinational Stabilization Force is maintained through regular meetings.

II. SITUATION IN THE AREA OF RESPONSIBILITY OF THE UNITED NATIONS MISSION OF OBSERVERS IN PREVLAKA

4. Since the submission of the report of 9 April 1999 (S/1999/404), the situation in the UNMOP area of responsibility has remained relatively calm. However, tensions were heightened for a time following the commencement of the North Atlantic Treaty Organization's (NATO) military action against the Federal Republic of Yugoslavia on 24 March 1999. In the period under review, and despite those military activities, the United Nations military observers conducted daily patrols in the Federal Republic of Yugoslavia (Montenegro), with due consideration for the prevailing security situation. UNMOP maintains a 24-hour presence on the Ostra peninsula, at its team site at Herceg Novi in the Federal Republic of Yugoslavia (Montenegro), and at the headquarters at Cavtat and the team site at Gruda in Croatia.

5. The area of responsibility of UNMOP consists of two United Nations-designated zones: a demilitarized zone (the so-called "Yellow Zone") and a United Nations-controlled zone (the so-called "Blue Zone"). The two zones are governed by different regimes. The United Nations-controlled zone was placed under the exclusive authority of the United Nations until such time as the parties reach an agreement concerning the area. The regime for the demilitarized zone prohibits the presence of military personnel and heavy weapons there. Violations of both zones persisted during the period under review.

6. A significant violation of the demilitarized zone is the continued presence of troops of the Yugoslav Army in the northern part of the zone. Owing to long-standing constraints imposed by the Yugoslav authorities on the movement of United Nations military observers - constraints which were tightened after 24 March 1999 - UNMOP remains unable to ascertain the exact strength and armament of those units. The Yugoslav authorities, while denying unrestricted access to that area, had, until 24 March 1999, allowed escorted visits, along the main road only, when given a minimum of six hours' notice. On 20 April, a detachment of approximately 30 Yugoslav Military Police took up a position in the southern part of the demilitarized zone at a road junction in the Sutorina valley. They were joined by a small number of Yugoslav (Montenegrin) Border Police. UNMOP confirmed that, by 27 April, the Yugoslav Military Police and the Montenegrin Border Police had withdrawn from that location. On 28 May, 18 June and 2 July, the United Nations military observers were allowed to conduct escorted patrols along the main road through the northern part of the demilitarized zone in the territory of the Federal Republic of Yugoslavia (Montenegro). They confirmed that troops of the Yugoslav Army remain in that part of the demilitarized zone. The Yugoslav authorities have indicated that the restrictions which had applied to the movement of United Nations military observers in the northern part of the demilitarized zone since 24 March 1999 will be lifted.

7. Since 24 March 1999, heavier weapons have been introduced to the southern part of the demilitarized zone by the Yugoslav (Montenegrin) Border Police. Despite the suspension of the NATO military action against the Federal Republic of Yugoslavia, those weapons remain in position. They include an anti-aircraft gun and machine-guns deployed at Debeli Brijeg and a machine-gun deployed at a

checkpoint on the main road through the Sutorina valley. The deployment of such weapons in the demilitarized zone is a serious violation of the United Nations-mandated security regime which should be rectified immediately.

8. Croatia has not completely removed the restrictions it places on the movement of UNMOP patrols in the north-western part of the demilitarized zone. Croatia requires UNMOP to provide 24 hours' notice before undertaking foot patrols in this area. In the southern demilitarized zone, UNMOP was refused access to one position on two occasions.

9. The long-standing violations of the security regime in the United Nations-controlled zone, as previously reported (see S/1998/939, S/1999/16, S/1999/404), continue unchanged. Approximately 25 Croatian Special Police are located at four positions and approximately 10 Yugoslav (Montenegrin) Border Police at two positions inside that zone. The Yugoslav (Montenegrin) Border Police who man the local crossing point on Cape Kobila are armed with two machine-guns. These represent an additional violation of the security regime in that zone.

10. As previously reported (see S/1999/404, para. 9), Croatia informed the Security Council that it had decided (following an agreement with Montenegrin authorities) to "keep open permanently" crossing points at Debeli Brijeg, in the demilitarized zone, and at the tip of Cape Kobila, in the United Nations-controlled zone (see S/1999/42), despite the opposition of the Federal Republic of Yugoslavia to "a unilateral opening of any border crossing", on the grounds that Croatia and the Federal Republic of Yugoslavia had not executed a joint agreement designating the location and regime of such crossings (see S/1999/84). The Council in resolution 1222 (1999) welcomed the opening of crossing points between Croatia and the Federal Republic of Yugoslavia (Montenegro) in the demilitarized zone. The crossing point at Debeli Brijeg remains open on a 24-hour basis. The movement of civilians and commercial traffic between Croatia and the Federal Republic of Yugoslavia has thus been facilitated without any reported security incidents. International humanitarian aid, for distribution within the Federal Republic of Yugoslavia, has entered that country through Debeli Brijeg.

11. The opening of a local crossing point at Cape Kobila in the United Nations-controlled zone and the manned checkpoints in that zone of both Croatia and the Federal Republic of Yugoslavia (Montenegro) are violations of the United Nations-mandated security regime. Nevertheless, both the Croatian and Montenegrin authorities permit local residents to enter the United Nations-controlled zone for the purpose of moving between the two sides. The crossing point is open for four hours each day. There has been limited traffic and no security incidents.

12. The Croatian authorities also continue to permit civilians, including local and foreign tourists, to enter the United Nations-controlled zone for fishing, farming and recreational purposes. The waters of the United Nations-controlled zone continue to be violated frequently by Croatian and Yugoslav fishing boats. These constitute further violations of the security regime.

13. While it lasted, the military activity of NATO in and near the territory of the Federal Republic of Yugoslavia resulted in violations by NATO of both the

demilitarized zone and the United Nations-controlled zone. The United Nations military observers reported several violations by military aircraft, manned and unmanned, of the airspace over the demilitarized zone and the United Nations-controlled zone. On several occasions, the air defences of the Yugoslav Army, located outside the UNMOP area of responsibility, fired on those military aircraft. Furthermore, the United Nations military observers reported that, on several occasions, persons in civilian clothes, but identified as military officers from NATO countries, entered the United Nations-controlled zone without authorization from UNMOP. These intrusions in the air and on the ground constituted violations of the security regime.

14. UNMOP maintains the interpretation of the limits of the United Nations-designated zones as defined in reports of the Secretary-General to the Security Council since 1992, regardless of unilateral decisions by one party or the other not to respect the United Nations-mandated security regime. In accordance with established procedure, UNMOP has continued to protest about violations of both the demilitarized zone and the United Nations-controlled zone to the authorities in Croatia and the Federal Republic of Yugoslavia, including the Republic of Montenegro, in order to encourage greater respect for the security regime governing the zones and to improve the freedom of movement of the United Nations military observers. Violations of the security regime by military aircraft and by NATO personnel have been drawn to the attention of NATO by the United Nations Secretariat.

15. During the reporting period, neither Croatia nor the Federal Republic of Yugoslavia put in place a comprehensive mine-clearance programme in the UNMOP area of responsibility. As a result, the situation of identified minefields in the area remains largely unchanged.

III. PROGRESS TOWARDS A NEGOTIATED SETTLEMENT

16. Both the Federal Republic of Yugoslavia and Croatia continue to indicate their willingness to resolve their dispute over Prevlaka through bilateral negotiations pursuant to the Agreement on Normalization of Relations signed by them at Belgrade on 23 August 1996 (see S/1996/706, annex). As previously reported, each Government has submitted a proposal for settling the dispute (see S/1998/533 and S/1998/632) and their negotiating teams have held four rounds of talks: the first at Zagreb on 15 September 1998, the second at Belgrade on 9 October 1998, the third at Zagreb on 23 December 1998 and the fourth at Belgrade on 9 March 1999. In accordance with paragraph 4 of resolution 1222 (1999), in which the Council requested the parties to report at least bi-monthly to the Secretary-General on the status of the negotiations, the Federal Republic of Yugoslavia and Croatia have provided their assessment of the status of the negotiations following the fourth round of talks (see S/1999/291 and S/1999/313).

17. Subsequently, the initiation of hostilities between NATO and the Federal Republic of Yugoslavia resulted in further evaluation by both Croatia and the Federal Republic of Yugoslavia of the prospects for an early settlement of the Prevlaka dispute (see S/1999/471, S/1999/480, S/1999/501, S/1999/546, S/1999/697 and S/1999/719). The fifth round was initially postponed by the Federal

Republic of Yugoslavia, which stated that it would not continue discussions with Croatia until the NATO military action ended. Since the end of the bombing, Croatia has not extended an invitation to the Federal Republic of Yugoslavia for the fifth round of talks, which should be held at Zagreb.

18. Although the parties have not made substantive progress towards a settlement of the dispute, both have restated their intention to continue discussions through future meetings of their negotiating teams and through other bilateral contacts. The offer of the assistance of the United Nations in the search for a peaceful settlement of the issue has yet to be utilized.

IV. FINANCIAL ASPECTS

19. Although an independent mission, for administrative and budgetary purposes, UNMOP is treated as part of the United Nations Mission in Bosnia and Herzegovina (UNMIBH). By its resolution 53/233 of 8 June 1999, the General Assembly appropriated an amount of $167.6 million gross for the maintenance of UNMIBH for the 12-month period from 1 July 1999 to 30 June 2000.

20. Therefore, should the Security Council decide to extend the mandate of UNMOP beyond 15 July 1999, as recommended in paragraph 28 below, the costs of maintaining the Mission would be met from within the budget of UNMIBH.

V. OBSERVATIONS

21. The unique security regime now in place in the area between Croatia and the Federal Republic of Yugoslavia has its origins in the joint declarations signed by the Presidents of Croatia and the Federal Republic of Yugoslavia at Geneva on 30 September 1992 (see S/24476) and 20 October 1992 (see S/24704). The security arrangements put in place as a result of those declarations, monitored continually by United Nations military observers for almost seven years, have kept the area stable and free of armed conflict even while the tragic consequences of armed hostilities have unfolded elsewhere in the region. These security arrangements have been endorsed in successive resolutions of the Security Council and in my reports since 1992. Both parties to the dispute over Prevlaka, as well as other States and organizations, should demonstrate full respect for the security regime.

22. The opening of a crossing point at Debeli Brijeg was not based on a bilateral agreement between Croatia and the Federal Republic of Yugoslavia as foreseen in the Agreement on Normalization of Relations of 23 August 1996. It was welcomed by the Security Council in resolution 1222 (1999) and in my last report (S/1999/404) as a confidence-building measure. It will be recalled that, during the period under review, traffic has been smooth, with no security incidents reported, and the local population appears to be satisfied. Optimally, Croatia and the Federal Republic of Yugoslavia might regularize the opening of Debeli Brijeg through an appropriate instrument.

23. The opening and maintenance, even for a few hours every day, of a crossing point at Cape Kobila in the United Nations-controlled zone constitutes a

violation of the United Nations-mandated security regime. Croatia and the Federal Republic of Yugoslavia could, at their discretion, adjust the security regime so that the opening of a crossing point in the United Nations-controlled zone did not result in a violation. Such a redefinition could also regularize the presence of other civilians in that zone which did not have security implications. Until such time, UNMOP will be obliged to record as a violation each unauthorized entry into the United Nations-controlled zone, which includes the area of Cape Kobila, as well as the presence of the Croatian and Yugoslav (Montenegrin) manned checkpoints at that location.

24. The United Nations military observers have not been able to patrol fully or freely the UNMOP area of responsibility on either the Croatian or the Yugoslav side. The authorities of Croatia and the Federal Republic of Yugoslavia are requested to allow the United Nations military observers unrestricted access to all areas of the demilitarized zone at all times (see S/1999/404, para. 20).

25. Aside from its monitoring role, since 24 March UNMOP has served by its presence to keep in check tensions which might otherwise have developed in its area of responsibility as a result of events elsewhere in the region. At the working level, UNMOP enjoys excellent relations with the police and military authorities of Croatia and the Federal Republic of Yugoslavia, including the Republic of Montenegro. In particular, the cooperation extended to UNMOP by the Federal Republic of Yugoslavia police and military authorities during the NATO action was commendable. At the level of Government, the Chief Military Observer also enjoys access to senior official representatives at Zagreb and Belgrade. By maintaining its presence on the ground, and its effective liaison with the parties, UNMOP continues to play a key role in the creation of conditions favourable to securing a lasting settlement of the Prevlaka dispute. The parties should take full advantage of the presence of a United Nations mission in their area and resume their negotiations without delay with a view to pursuing them to a mutually acceptable conclusion.

26. It is disappointing that there has not been substantive progress in the talks between the two parties. More than nine months have elapsed since the first of the four rounds of talks was held at Zagreb. Once again, the parties are urged to pursue their negotiations towards a peaceful resolution of their dispute over Prevlaka in a constructive and expeditious manner. The delay in holding a fifth round of negotiations was understandable while the Yugoslav authorities were preoccupied with other matters. Now the parties should, without delay, resume their talks. The two parties to the Prevlaka dispute are alone responsible for reaching a satisfactory and enduring resolution.

27. The parties should maintain their resolve to seek a negotiated settlement. As stated previously (see S/1997/1019, S/1998/939, S/1999/16 and S/1999/404), the whole set of instruments of the United Nations, including my good offices, are at the disposal of the parties should they require this assistance in their search for a peaceful settlement. Alternative mechanisms, such as sending an international observer to the bilateral talks, international mediation, or arbitration, could also be considered as means of assisting the parties to implement, in practical terms, their stated intent to resolve the Prevlaka dispute peacefully. In addition, member States with influence in the region should use their bilateral contacts to urge the parties to pursue constructive

talks. Furthermore, the Council might wish to reassess the state of the negotiations after three months, on the basis of the regular reports of the parties originally requested in resolution 1222 (1999). For this, it would be useful if the parties would report after each round of talks.

28. Given the importance of ensuring that the situation on the ground remains stable and as free of tension as possible, and in order to maintain conditions of stability within which political negotiations will have the greatest possible chance of success, the UNMOP mandate should be extended for a further six months, until 15 January 2000, without change to its current concept of operations.

29. In conclusion, the Chief Military Observer and the men and women of UNMOP are to be commended for their continuing efforts to maintain peace and security in their area of responsibility.

Annex

Composition and strength of the military element of the United Nations Mission of Observers in Prevlaka as at 1 July 1999

Nationality	Number of military observers
Argentina	1
Bangladesh	1
Belgium	1
Brazil	1
Canada	1
Czech Republic	1
Denmark	1
Finland	1
Ghana	2
Indonesia	2
Ireland	1
Jordan	1
Kenya	1
Nepal	1
New Zealand	2
Nigeria	1
Norway	1
Pakistan	1
Poland	1
Portugal	1
Russian Federation	1
Sweden	1
Switzerland	1
Ukraine	1
Total	27